

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE: BANKRUPTCY PROCEEDING

OPUS MANAGEMENT GROUP JACKSON, LLC CASE NO. 16-00297 NPO

**OPUS MANAGEMENT GROUP JACKSON, LLC,
IN ITS CAPACITY AS DISBURSING AGENT FOR
OPUS MANAGEMENT GROUP JACKSON, LLC,
REORGANIZED DEBTOR PLAINTIFF**

V. ADVERSARY PROCEEDING NO. 18-00009 NPO

BRADLEY ARANT BOULT CUMMINGS, LLP DEFENDANT

MOTION TO SUBSTITUTE TRUSTEE AS REAL PARTY IN INTEREST

COMES NOW Derek A. Henderson, Chapter 7 trustee for the bankruptcy estate of Opus Management Group Jackson, LLC (“Trustee”) moves this Court, pursuant to 11 U.S.C. § 323 and Federal Rules of Bankruptcy Procedure 6009, to substitute the Trustee as the real party in interest in this case. In support thereof, the Trustee would state as follows:

1.

On February 2, 2016, Rx Pro Pharmacy & Compounding, Inc., Rx Pro of Mississippi, Inc., OpusRx, LLC, Estonna Management, LLC, Care Rx Pharmacy Group, LLC, and Opus Management Group Jackson, LLC (collectively, the “Debtors”), filed their petition for relief pursuant to Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Mississippi, Lead Case No. 16-00297-NPO (Bankr. Dkt. # 1).

2.

On February 1, 2018, Opus Management Group Jackson, LLC, in its Capacity as Disbursing Agent for Opus Management Group Jackson, LLC, Reorganized Debtor filed this adversary proceeding against Bradley Arant Boulton Cummings, LLP (A.P. Dkt. # 1).

3.

On April 26, 2018, the Court converted the Debtors’ Case to Chapter 7 (Bankr. Dkt. #1120),

rescinded the *Order Granting Motion for Joint Administration*, and appointed Derek A. Henderson as the Trustee. See Order attached hereto as Exhibit “1”.

4.

Pursuant to 11 U.S.C. § 323, the Trustee as a representative of the Opus Management Group Jackson, LLC, in its Capacity as Disbursing Agent for Opus Management Group Jackson, LLC, Reorganized Debtor is the holder of the claim against Bradley Arant Boult Cummings, LLP and is now the real party in interest in this proceeding. Federal Rule of Bankruptcy Procedure 6009 also provides that “With or without court approval, the trustee may prosecute or enter an appearance and defend any pending action or proceeding by or against the debtor or commence and prosecute any action or proceeding by or against the debtor or commence and prosecute any action or proceeding in behalf of the estate or tribunal.” The Trustee desires to be substituted as the plaintiff in this case.

WHEREFORE, PREMISES CONSIDERED, the Trustee respectfully requests that the Court substitute the Trustee in place of Opus Management Group Jackson, LLC, in its Capacity as Disbursing Agent for Opus Management Group Jackson, LLC, Reorganized Debtor as the real party in interest in this case. The Trustee also requests any other general relief to which it is entitled as this court deems appropriate.

Respectfully submitted,

By: s/ Derek A. Henderson
DEREK A. HENDERSON, TRUSTEE
AND ATTORNEY FOR THE TRUSTEE

CERTIFICATE OF SERVICE

I, DEREK A. HENDERSON, do hereby certify that I have this date served, via United States Mail, postage prepaid, or via the ECF Notification Service, which provides electronic notice, a true and correct copy of the above and foregoing Motion to Substitute Trustee as Real Party In Interest to the following:

Office of United States Trustee
USTPRegion05.JA.ECF@usdoj.gov

Opus Management Group Jackson, LLC,
in its Capacity as Disbursing Agent for Opus
Management Group Jackson, LLC, Reorganized Debtor
PO Box 13130
Jackson, MS 39236

This the 23rd day of May, 2018.

s/ Derek A. Henderson
DEREK A. HENDERSON

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